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Senate Bill _____
By _____

House No. HB1338
By Odom

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 1 and Title 68, Chapter 11, Part 2 relative to licensure of home medical equipment providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-102, is amended by deleting subdivision (7) in its entirety and by substituting instead the following:

(7) "Home care organization" means any entity licensed as such by the department which is staffed and organized to provide "home health services," "hospice services," or "home medical equipment services" as defined by Section 68-11-201, to patients in either their regular or temporary place of residence;

SECTION 2. Tennessee Code Annotated, Section 68-11-201, is amended by deleting from subdivisions (9)(A) and (9)(C) wherever they appear the language "'home health services' or 'hospice services'" and the language "home health or hospice services" and by substituting instead the language "home health services, home medical equipment services or hospice services".

SECTION 3. Tennessee Code Annotated, Section 68-11-201(9)(D), is amended by deleting the language and punctuation "home health services or hospice services, or both." and

by substituting instead “home health services, hospice services, or home medical equipment services.”

SECTION 4. Tennessee Code Annotated, Section 68-11-201, is amended by inserting the following new items to be appropriately designated:

() “Home medical equipment services” means a service provided by any person who sells or rents home medical equipment for delivery to the consumer’s place of residence in this state, regardless of the location of the home medical equipment provider;

() “home medical equipment provider” means any person who provides “home medical equipment services”;

() “Home medical equipment” means medical equipment intended for the use by the consumer including but not limited to the following:

(A) A device, instrument, apparatus, machine, or other similar article whose label bears the statement: “Caution: federal law requires dispensing by or on the order of a physician.”;

(B) Ambulating assistance equipment;

(C) Mobility equipment;

(D) Rehabilitation seating;

(E) Oxygen care equipment and oxygen delivery systems;

(F) Respiratory care equipment and respiratory disease management devices;

(G) Rehabilitation environmental control equipment;

(H) Ventilators;

(I) Apnea monitors;

(J) Diagnostic equipment;

(K) Feeding pumps;

(L) A bed prescribed by a physician to treat or alleviate a medical condition.

(M) Transcutaneous electrical nerve stimulator;

(N) Sequential compression devices; and

(O) Neonatal home phototherapy devices.

The term “home medical equipment” does not include:

(I) medical equipment used or dispensed in the normal course of treating patients by hospitals and nursing facilities as defined in this part, other than medical equipment delivered or dispensed by a separate unit or subsidiary corporation of a hospital or nursing facility or agency that is in the business of delivering home medical equipment to an individual’s residence;

(ii) upper and lower extremity prosthetics and related orthotics;

(iii) canes, crutches, walkers, and bathtub grab bars;

(iv) medical equipment provided through a physician’s office incident to a physician’s service;

(v) equipment provided by a pharmacist which is used to administer drugs or medicine that can be dispensed only by a pharmacist; or

(vi) enteral and parenteral equipment provided by a pharmacist.

SECTION 5. The board for licensing health care facilities shall establish by rules and regulations standards by which a home medical equipment provider shall be licensed. The board shall provide by rule that any home medical equipment provider accredited by the joint commission on accreditation of health care organizations may submit documents evidencing current accreditation and shall be presumed to comply with the requirements of the board. Licensing of a home medical equipment provider which has been accredited by the joint commission on accreditation of health care organizations shall become effective upon written notification from the board’s staff that the accreditation meets the standards set out in the rules and regulations promulgated pursuant to this act. The board shall also establish by rule

provisions to ensure that branch offices of a home medical equipment provider are not required to be separately licensed nor charged separate license fees.

SECTION 6. Nothing in this act or any other provision of law shall require a home medical equipment provider which provides respiratory care equipment and which employs a respiratory care therapist, technician or assistant for the purpose of assisting patients with the use of such equipment to obtain authority as a provider of home medical equipment services.

SECTION 7. Nothing in this act shall require a person providing home medical equipment services to obtain a certificate of need pursuant to Tennessee Code Annotated, Title 68, Chapter 11, Part 1.

SECTION 8. This act shall take effect on September 1, 1995, the public welfare requiring it.

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